

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 11, 14-17, 19, 20, 24, 25 and 27 are rejected under 35 U.S.C. 102(b) over the U.S. patent to Johansson.

Claims 22 and 23 are allowed and claim 29 is indicated as allowable.

With the present Request for Reconsideration, applicant amended claim 11 by introducing into it the features of claim 29.

Turning now to the references and in particular to the patent to Johansson it can be seen that the patent to Johansson et al. discloses a pneumatic impact breaker (10) comprising a housing (11) and at least one handle (18, 19) with a gripping part. The handle is mounted on a vibration damping pretensioned spring (35), wherein the latter is mounted on a positioning element arranged all-around a push rod (40) which itself is positioned on a spring (39) and can be manipulated by a lever (36) (as disclosed in figure 3 and column 3, lines 9 to 13). The handle (18, 19) and its gripping part have an axis which is arranged nearly perpendicular in respect to the vibration damping pretensioned spring (35).

In contrast, amended claim 11 defines a hand power tool, comprising a housing; at least one handle having at least one gripping part and a mounting part; at least one elastic, vibration damping element; and at least one safety element* The at least one handle has an axis, wherein said at least one gripping part, said at least one mounting part, said at least one elastic, vibration damping element, and said at least one safety element being arranged coaxially with said axis.

In the Johansson et al. reference the gripping part (see handle 19) and the vibration damping pretensioned spring (35) are not arranged coaxially with the axis of the handle (18, 19). Moreover, no motivation is given, which would have led someone skilled in the art at a time the invention was made to arrange the vibration damping pretensioned spring (35) coaxially to the handle (18, 19). It is therefore believed that the amended claim 11 clearly and patetnably distinguishes the present invention from the Johansson patent.

The patent to Chang discloses a paving breaker (1) with a housing (3) and a handle (5, 7), wherein the handle (5, 7) comprises a gripping part (44), a mounting part/bushing (28) and an elastic flex member (27), wherein the later is mounted on the bushing (28). The gripping part (44) is mounted on the housing (3) via the elastic flex member (27) and the bushing (28). In addition, the handle (5, 7) comprises a rigid safety element/support member (25) to connect the gripping part

(44) to the housing (3) (as can be seen from figure 1 and column 1, line 61 to column 3, line 8).

As stated above, in the applicant's invention a safety element connects a gripping part with a mounting part. Moreover, the safety element is movable during a predetermined operation relative to the gripping part in at least a tilting direction and a longitudinal direction to avoid a passage of vibrations through the safety element.

This feature is missing in the Chang patent. In addition, no motivation is provided which would have motivated someone skilled in the art to arrange the safety element (25) so that it is movable in a tilting direction and in a longitudinal direction relative to the gripping element (44).

It is therefore believed that the amended claim 11 can be seen as being new and inventive over the Chang reference.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal

respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,
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